

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,)	2:11-CR-00452-PMP-CWH
)	
Plaintiff,)	
)	<u>ORDER</u>
vs.)	
)	
THERESA MARCIANTI,)	
)	
Defendant.)	

Before the Court for consideration is Plaintiff United States' Motion to Exclude Defendant Marcianti's Experts (Doc. #52). Having considered the arguments of counsel presented on the briefs, and at the hearing conducted April 18, 2013, the Court finds Plaintiff's motion is moot as to expert witnesses Dwayne Morgan and Judy Lydick because counsel for Defendant has advised that Defendant will not seek to present expert testimony from these witnesses at trial.

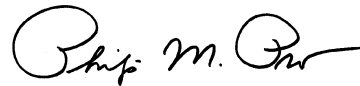
The Court further finds that Plaintiff United States' motion must be granted as to Defendant's proposed expert witnesses Ronald Bloecker. Defendant has failed to demonstrate the basis for any opinions of Mr. Bloecker which would be helpful to the trier of fact in deciding issues in this case.

Finally, the Court finds the record is insufficient to determine whether Defendant's proposed expert Ronald Weiss should be permitted to testify at trial. The Court concludes that it is instead appropriate to deny Plaintiff's motion to exclude Defendant's expert Ronald Weiss without prejudice to renew that motion in

1 the event Defendant seeks to offer the testimony of Ronald Weiss in Defendant's case in
2 chief at trial. In this regard, counsel for Defendant is admonished that he shall not reference
3 the expert testimony of Ronald Weiss in opening statement on behalf of Defendant, and that
4 prior to calling Ronald Weiss as an expert witness on behalf of Defendant at trial, counsel
5 for Defendant shall first advise counsel for Plaintiff United States and the Court of his
6 intention to do so so the Court may at trial determine whether a *Daubert* hearing outside the
7 presence of the jury should first be conducted before Mr. Weiss is permitted to testify in
8 front of the jury.

9 **IT IS THEREFORE ORDERED** that Plaintiff United States' Motion to
10 Exclude Defendant Marcianti's Experts (Doc. #52) is GRANTED and DENIED to the
11 extent provided above.

12 DATED: April 29, 2013

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15 PHILIP M. PRO
16 United States District Judge
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